IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 16-40102 Summary Calendar

United States Court of Appeals Fifth Circuit

August 12, 2016

UNITED STATES OF AMERICA,

Lyle W. Cayce Clerk

Plaintiff-Appellee

v.

JOSE GUADALUPE DIAZ-HERNANDEZ,

Defendant-Appellant

Appeal from the United States District Court for the Southern District of Texas USDC No. 1:13-CR-537-1

Before JOLLY, SMITH, and GRAVES, Circuit Judges. PER CURIAM:*

The attorney appointed to represent Jose Guadalupe Diaz-Hernandez moved for leave to withdraw and has filed a brief in accordance with *Anders v*. *California*, 386 U.S. 738 (1967), and *United States v*. *Flores*, 632 F.3d 229 (5th Cir. 2011). Diaz-Hernandez has not filed a response. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with counsel's assessment that the appeal presents no nonfrivolous

 $^{^*}$ Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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issue for appellate review. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.